

SPONSOR: Haefner

This bill defines "multidisciplinary investigation team" as a team used to investigate child abuse and provide protective or preventive social services including the services of law enforcement, the Children's Division within the Department of Social Services, the prosecuting attorney, the child advocacy center, the juvenile center, the medical provider, the mental health provider, and other agencies with a common mission of achieving victim safety and perpetrator accountability and who have entered into an agreement to maintain confidentiality as required by law, both public and private.

The bill prohibits any health care provider, child advocacy center, or multidisciplinary investigation team from providing to any person or entity copies of visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of child abuse unless ordered by a court of competent jurisdiction. Members of the team may share the recordings of the child's statements with other members of the team for the purposes of trial preparation, and with the Office of the Child Advocate as a part of a review of a complaint made by or on behalf of a child who is a recipient of the services of the Department of Social Services and Department of Mental Health and the Juvenile Court.

A court is prohibited from ordering the copying of the recordings or photographs unless it does so after a hearing has been held and notice to the parties given, at which the health care provider, child advocacy center, or team member may present and offer objections or suggestions for the court. Upon a showing of good cause, the court may order the provider, advocacy center, or team member to copy the recordings or photographs to the moving party's counsel of record or specified experts who have been duly qualified by the court in the evaluation or medical diagnosis of child abuse.

If a court orders the copying of the recordings or photographs, the order must be limited solely to the use of the recordings or photographs for the purposes of trial preparation; prohibit further copying, reproduction, or dissemination of the recordings or photographs; prohibit the moving party's counsel of record or specified experts from allowing any other person copies of the recordings or photographs without a court order; and require the return of the copies to the provider, advocacy center, or team member upon the end of the counsel or expert's involvement in the relevant case or the final disposition of the case unless the copies have become part of the official court record, whichever comes first.

These provisions cannot prohibit the court or a multidisciplinary member from granting access to viewing, but not copying, the recordings as part of a pending related matter in front of the court involving an alleged victim of child abuse.

Upon disposition of all pending matters involving the alleged victim of child abuse, team members may grant access to the visual or aural recordings of the child's statements for training and educational purposes upon the execution of a written confidentiality agreement.